

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DAVID A. DAY,

Petitioner,

-vs-

Case No. 13-C-106

**WILLIAM POLLARD, Warden,
Waupun Correctional Institution,**

Respondent.

DECISION AND ORDER

David Day moves to reconsider the Court's dismissal of his petition for a writ of habeas corpus as untimely. Day's motion fails to confront or even acknowledge the Court's explicit ruling that the time period begins to run from "the date of entry of the judgment or order sought to be reviewed . . ." Sup. Ct. R. 13.3. A "manifest error" under Rule 59(e) of the Federal Rules of Civil Procedure is the "disregard, misapplication, or failure to recognize controlling precedent." *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000). It "is not demonstrated by the disappointment of the losing party." *Id.*

Day's motion [ECF No. 13] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 15th day of August, 2013.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge